

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

BROADCAST MUSIC, INC.; UNIVERSAL
MUSIC MGB NA LLC d/b/a UNIVERSAL
MUSIC CAREERS; SONY/ATV SONGS
LLC d/b/a SONY/ATV TREE PUBLISHING;
SIREN SONGS; EMI BLACKWOOD MUSIC
INC.; SCREEN GEMS-EMI MUSIC, INC.;
and SONY/ATV SONGS LLC,

Plaintiffs,

v.

BAY HOUSE LTD. d/b/a BAYHOUSE and
SEAN SHERIDAN,

Defendants.

Case No. 20-1089

COMPLAINT

Plaintiffs, by their undersigned attorneys, for their Complaint against Defendants Bay House Ltd. d/b/a BayHouse and Sean Sheridan (collectively, “Defendants”) allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is an action for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 *et seq.* (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”) is a corporation organized and existing under the laws of the State of Delaware. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to

license the public performance rights in 15 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Universal Music MGB NA LLC is a limited liability company doing business as Universal Music Careers. This Plaintiff is a copyright owner of at least one of the songs in this matter.

6. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Tree Publishing. This Plaintiff is a copyright owner of at least one of the songs in this matter.

7. Plaintiff Siren Songs is a partnership between John Hall and Johanna Hall. This Plaintiff is a copyright owner of at least one of the songs in this matter.

8. Plaintiff EMI Blackwood Music Inc. is a corporation. This Plaintiff is a copyright owner of at least one of the songs in this matter.

9. Plaintiff Screen Gems-EMI Music, Inc. is a corporation. This Plaintiff is a copyright owner of at least one of the songs in this matter.

10. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is a copyright owner of at least one of the songs in this matter.

11. Defendant Bay House Ltd. is a corporation organized and existing under the laws of the state of New York which operates, maintains and controls an establishment known as BayHouse located at 500 Bayside Drive, Breezy Point, New York 11697 (the “Establishment”) in this district.

12. In connection with the operation of the Establishment, Defendant Bay House Ltd. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

13. Defendant Bay House Ltd. has a direct financial interest in the Establishment.

14. Defendant Sean Sheridan is the Chief Executive Officer of Defendant Bay House Ltd. with responsibility for the operation and management of that corporation and the Establishment.

15. Defendant Sean Sheridan has the right and ability to supervise the activities of Defendant Bay House Ltd. and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

16. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 15.

17. Since September 2017, BMI has reached out to Defendants over forty (40) times, by phone, mail, and email in an effort to educate Defendants as to their obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical compositions in the BMI Repertoire. Included in the letters were Cease and Desist Notices, providing Defendants with formal notice that they must immediately cease all use of BMI-licensed music in the Establishment.

18. Plaintiffs allege five (5) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against

Defendants.

19. Annexed to this Complaint as a schedule (the “Schedule”) and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the five (5) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to “Lines” are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

20. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

21. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

22. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

23. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

24. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);

(III) Defendants be ordered to pay costs, including reasonable attorney's fees, pursuant to 17 U.S.C. § 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: February 27, 2020
New York, New York

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Say You Love Me
Line 3	Writer(s)	Christine McVie
Line 4	Publisher Plaintiff(s)	Universal Music MGB NA LLC d/b/a Universal Music Careers
Line 5	Date(s) of Registration	6/30/75 10/25/77
Line 6	Registration No(s).	Eu 593047 Ep 380037
Line 7	Date(s) of Infringement	8/4/18
Line 8	Place of Infringement	BayHouse

Line 1	Claim No.	2
Line 2	Musical Composition	Son Of A Preacher Man
Line 3	Writer(s)	John Hurley; Ronnie Wilkins
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing
Line 5	Date(s) of Registration	9/19/68
Line 6	Registration No(s).	Ep 249864
Line 7	Date(s) of Infringement	8/4/18
Line 8	Place of Infringement	BayHouse

Line 1	Claim No.	3
Line 2	Musical Composition	Still The One
Line 3	Writer(s)	John Hall; Johanna Hall
Line 4	Publisher Plaintiff(s)	John Hall and Johanna Hall, a partnership d/b/a Siren Songs; EMI Blackwood Music Inc.
Line 5	Date(s) of Registration	11/4/76
Line 6	Registration No(s).	Ep 360043
Line 7	Date(s) of Infringement	8/4/18
Line 8	Place of Infringement	BayHouse

Line 1	Claim No.	4
Line 2	Musical Composition	We Belong
Line 3	Writer(s)	David Eric Lowen; Daniel Navarro
Line 4	Publisher Plaintiff(s)	Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	1/29/85
Line 6	Registration No(s).	PA 239-328
Line 7	Date(s) of Infringement	8/4/18
Line 8	Place of Infringement	BayHouse

Line 1	Claim No.	5
Line 2	Musical Composition	Wonderwall
Line 3	Writer(s)	Noel Gallagher
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC
Line 5	Date(s) of Registration	11/20/95
Line 6	Registration No(s).	PA 782-736
Line 7	Date(s) of Infringement	8/4/18
Line 8	Place of Infringement	BayHouse
